

SPIVAKLIPTON_{LLP}

ATTORNEYS AT LAW

Nicholas J. Johnson
njohnson@spivaklipton.com
1040 6th Avenue, 20th Floor
New York, NY 10018
T 212.765.2100
F 212.765.8954
spivaklipton.com

May 26, 2022

Via ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**Re: Trustees of the AGMA Retirement Plan v. New York City Opera, Inc.
Case No. 1:22-cv-03211 (KPF)**

Dear Judge Failla:

This firm represents Plaintiffs in the above-referenced case. Pursuant to Rule 2.D of Your Honor's Individual Rules of Practice in Civil Cases, I write to request an adjournment of the initial pretrial conference, which is currently scheduled for June 1, 2022. (ECF No. 8.) This is the first request for an adjournment of this conference.

Plaintiffs request this adjournment because Defendant has failed to timely file an answer or otherwise move with respect to the Complaint herein. On May 23, 2022, the Clerk entered a Certificate of Default noting Defendant's default. (ECF No. 11.)

Plaintiffs have not contacted Defendant concerning this request because Defendant has not entered an appearance in this matter and has defaulted. In light of Defendant's default, Plaintiffs do not propose alternative dates for rescheduling. Plaintiffs intend to apply to the Court for default judgment in the near future.

Respectfully submitted,

SPIVAK LIPTON LLP



Nicholas J. Johnson
Counsel for Plaintiffs

Application GRANTED. The initial pretrial conference in this matter is hereby ADJOURNED *sine die*. Plaintiff shall move for a default judgment in accordance with this Court's individual rules of practice within the next 30 days.

The Clerk of Court is directed to terminate the motion at docket entry 12.

Dated: May 27, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE